

REMARKS

The specification and claims have been amended to improve the style of this application.

Applicant thanks the Examiner for indicating allowable subject matter, removing some of the rejections and for further explaining the present rejections.

The independent claims have been rejected as being anticipated by Andronis (DE 197 28 548). Applicant especially thanks the Examiner for the detailed description of where the features of the independent claims can be found in Andronis.

Claim 36 sets forth a louver guide and a louver movably connected to the louver guide in a first direction. The rejection equates elements 14, 15 and 38 - 46 with the lower guide, and element 3 with the louver of claim 36. Applicant notes that element 3 is described in Andronis as a selector lever gap or opening. Therefore element 3 itself is not similar to the louver of the present invention.

Element 38 of Andronis is equated with the louver guide of claim 36. Andronis describes element 38 as a gap covering element in the abstract, and as a band in column 6 line 60. Therefore element 38 of Andronis is not similar to the louver guide of the present invention.

If element 38 of Andronis was equated with the louver of claim 26, then element 38 of Andronis would not be movably connected to elements 14 and 15, in the same relationship as the louver and louver guide in claim 36. Element 14 appears to be fixed to element 38 or 44, and therefore does not have the movable feature. Element 14 therefore cannot be similar to the

louver guide of claim 36.

Element 15 appears to be linearly fixed to elements 14 and 38/44. Therefore element 15 is not movable in a first direction with respect to element 38 in Andronis.

Elements 38/44 appear to be movable with respect to elements 39 - 42 in one direction. Element 15 appears to be movable with respect to elements 38/44, but not in the same direction. Therefore all of elements 15 and 39 - 42 of Andronis cannot be similar to the louver guide of claim 36.

Claim 36 also sets forth that the louver guide is movably connected to the cover in a second direction. Applicant thanks the Examiner for providing the exhibit indicating the first and second directions of Andronis. Applicant assumes that the second direction in Figure 4 of Andronis is into the paper.

The rejection relates element 2 with Andronis with the cover of claim 36. Applicant has reviewed Andronis, and notes that elements 39 - 42 are not movably connected with respect to element 2. In fact column 2 lines 43 - 46 of Andronis indicate that the "Führungselemente" (guide elements) are formed integral with the "Verkleidung" (cover), e.g. form one piece through pressure dye casting. Column 5 line 2 indicates the "Verkleidung" is element 2, and column 6 line 46 indicates that the "Führungselemente" are elements 39, 40. Column 6 lines 66 - 67 also indicates that the "Führungsstäbe" (guide sticks) are elements 39 - 42.

Therefore elements 39 - 42 of Andronis are not movably connected to element 2 of Andronis. Elements 39 - 42 and elements 2 of Andronis do not have the same relationship as the louver guide and the cover of claim 36. Claim 36 is therefore not anticipated by Andronis.

One of the preferred connections between the louver guide and the cover, is for the selector lever 8 to support the louver and louver guide as shown in Figure 6 and described in the specification on page 9 line 20 to page 10 line 1. Another possible connection between the louver guide and the cover is with a bracket between the louver guide and the cover, page 9 line 26 - page 10, line 1. Further details of a possible bracket are described on page 10, lines 2 - 5. Of course these described connections are not the only possible movable connection between the louver guide and the cover. Another possible connection would be to fix the cover to the frame of the vehicle and movably mount the guide to the frame. The connection would then be an indirect connection. Applicant notes that claim 36 has been purposely written to broadly cover the connections described in the drawings and specification, and equivalents thereof.

The rejection states that many of the changes to the drawings are new matter. Many of the new matter rejections are made stating that specific features are now shown which were only broadly described in the original specification. Applicant notes that the original specification was written to broadly cover all variations of the features, such as the elastic portion. The elastic portion of the present application can vary in its specific features, such as size, shape and location, and still perform the purpose attributed to the elastic portion by the specification.

It is Applicant's position that to show and describe every possible size, shape and location of the elastic portion that would fulfill the purpose of the present invention, would be unduly burdensome, especially when applied to every feature of the present invention. Furthermore, it is Applicant's position that such an exhaustive description is not necessary to

a person of ordinary skill. The person of ordinary skill would be able to determine a size, shape and location of an elastic portion without undue experimentation. Furthermore, the size, shape and location of an elastic portion would depend on such application specific parameters, such as the desired material of the louver and the desired size of the louver. Determining the size, shape and location of an elastic portion is well within the skill of an ordinary person in the art. Furthermore some experimentation is an unavoidable necessity due to the individual nature of each application.

The rejection cites two court cases as support for the new matter rejection. Applicant has reviewed these court cases, and notes that the case of "Ex Parte George, 203 USPQ" has refused to sustain many of the 112 and new matter rejections.

Applicant further notes that the rejections that were sustained in these court cases were only related to claims. The courts felt that new matter was present when a feature was only broadly described originally, and later narrowly claimed.

This is not the situation in the present application. The changes to the drawings do not, and are not, intended to narrow the claims. Instead the drawings show an embodiment of the features described in the specification and claims. Since the changes to the drawings do not relate to a narrowing of the claims, the court decisions do not support the new matter rejections.

The Office Action comments on elements 15 and 16 in the drawing corrections. Applicant notes that these reference numerals were incorrectly added to the specification in the last Amendment. Element 15 was intended to show the two deflecting axis in the amended

paragraph starting on page 6 line 18 and ending on page 7 line 15. Element 16 was intended to show an embodiment of the movable connection between the louver guide and the cover. Applicant has corrected the misnumbering in these paragraphs by this amendment.

The specification and drawings are objected to for not describing the first and second direction in claim 36. Claim 36 clearly sets forth that the louver is movably connected to the louver guide in the first direction. The movement of the louver on the louver guide is described in detail in the specification with reference to the drawings. A person of ordinary skill would therefore clearly understand which direction is the first direction.

The second direction is set forth as being substantially perpendicular to the first direction. A person of ordinary skill would understand this limitation based on simple geometry. Furthermore this direction is shown by the double arrow in the bottom left part of Figures 6 and 7. If the Examiner desires arrows with reference numbers can be added to the specification and drawings. However, it is Applicant's position that such additions to the specification and drawings would not be new issues since the first and second directions are clear from the descriptions in claim 36 and in the specification.

If the Examiner has any comments or suggestions which would further favorable prosecution of this application, the Examiner is invited to contact Applicant's representative by telephone to discuss possible changes.

At this time Applicant respectfully requests reconsideration of this application, and based on the above amendments and remarks, respectfully solicits allowance of this application.

Respectfully submitted
For Applicant,

By: 

Theobald Dengler
Reg. No. 34,575

TD:tf
67526.10

Enclosed: Marked-Up Paragraphs from the Specification
Marked-Up Version of the Claims

DATED: June 3, 2002
SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-0827
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.

MARKED-UP PARAGRAPHS FROM THE SPECIFICATION

Pages 6 and 7, paragraph starting on page 6 at line 18 and ending on page 7 at line 15:

Referring to the drawings in particular, Figures 1, 2 and 3 show different views of the slot cover according to the present invention. Figure 1 shows a bottom view of the slot cover. The slot cover comprises a support structure 5, which comprises a central plate 5.3 arranged in the middle of the support structure 5 and two supports 5.1 and 5.2 arranged to the side of ~~it~~ the support structure 5. A generous opening 5.4 is provided in the central plate 5.3. Two deflecting elements, which are arranged at the outer ends of the support structure 5 and are formed by two broad deflecting rollers 3.1 and 3.2, at the ends of which two gears 3.3 and 3.4 as well as 3.5 and 3.6 are arranged, ~~are arranged at the outer ends of the support structure 5~~. The broad deflecting rollers 3.1 and 3.2 are mounted rotatably at the ends of the respective lateral supports 5.1 and 5.2. Furthermore, four narrow deflecting rollers 4.1 through 4.4, which form a rectangle with one another with two deflection axes 15, are located in the central area of the supports 5.1 and 5.2. The narrow deflecting rollers 4.1 through 4.4 are also mounted rotatably in the lateral supports 5.1 and 5.2. The louver 2, which forms an endless band, is guided around the deflecting rollers, and part of this endless band consists of a broad band 2.1 and the other part of two narrow bands 2.2 and 2.3, respectively, which pass over with their ends into the ends of the broad band. An opening is provided for the selector lever in the area of the broad band 2.1, and the two narrow bands 2.2 and 2.3 themselves form an opening through which a selector lever can be passed. The lower 2 can include an elastic portion 12, having elastic properties, at least in the circumferential direction of the closed loop, the elastic louver portion being provided over at least a part of a length of the louver.

Pages 9 and 10, paragraph starting on page 9 at line 17 and ending on page 10 at line 5:

Figure 7 shows a bottom view of a cover plate 6, under which the slot cover 1 according to the present invention is arranged. The selector lever 8 - fixed in a sideways pivoted position - is indicated by broken line here as well, in which case the slot cover 1 has also been displaced in relation to the cover plate 6. The displaceability of the slot cover 1 in relation to the cover plate 6 may be achieved, e.g., by the support structure 5 itself being fastened on the shifting device or on the slot cover 1 with a bracket 16, which allows a lateral movement of the slot cover. It would be possible, e.g., to clip the slot cover 1 with the axes of the broad deflecting rollers 3.1 and 3.2 in a clamp on the narrow sides, where the said clamps are substantially narrower in their broad extension than the length of the broad deflecting rollers, so that the entire slot cover 1 can be moved on it from right to left.

MARKED-UP VERSION OF THE CLAIMS

37. (~~New~~Amended) A cover in accordance with claim ~~A36~~, wherein:
said first and second directions are in a plane substantially parallel to a plane of said cover
plate.

33. (~~New~~Amended) A cover in accordance with claim ~~A36~~, wherein:
said louver guide is movably connected to said cover plate in said second direction by a
bracket.